

Assembly Bill No. 288—Assemblywoman Spiegel

CHAPTER.....

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to make certain efforts to provide employees who are fluent in certain languages at offices of the Department in certain circumstances; requiring the Department to provide certain services to document preparation services and the clients of document preparation services in certain circumstances; requiring the Secretary of State, the Attorney General or the district attorney to notify the Department of certain actions taken regarding a document preparation service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, certain voting materials must be provided in a language other than English in certain political subdivisions if more than 5 percent of the citizens of voting age in the subdivision are members of a single language minority and are limited-English proficient. (52 U.S.C. § 10503) **Section 1.3** of this bill requires the Department of Motor Vehicles, in any office of the Department located in a county where federal law requires voting materials in a language other than English, to make every effort to provide at least one employee who is fluent in the language of the relevant single language minority.

Existing law requires a person who wishes to conduct business as a document preparation service to register with the Secretary of State and meet certain requirements. (NRS 240A.100) A person who alleges certain violations against the document preparation service may file a complaint with the Secretary of State, who may investigate the complaint to determine if a violation has occurred. (NRS 240A.260) Upon making such a determination, the Secretary of State is authorized to deny, suspend, revoke or refuse to renew the registration of the document preparation service, and may refer the violation to the Attorney General or a district attorney to commence a civil action against the document preparation service, with available remedies including injunctive relief, civil penalties and restitution. (NRS 240A.270, 240A.280)

Section 1.5 of this bill authorizes the Department of Motor Vehicles to maintain service windows or locations in an office of the Department that are dedicated to serving document preparation services conducting transactions on behalf of clients if the Department determines that enough such transactions are conducted to warrant it, and requires the Department to maintain such windows or locations in certain counties. Such windows or locations may be used to provide services to the general public during times when no document preparation services are in the office seeking to conduct transactions. **Section 1.5** also authorizes a client of a document preparation service who alleges a violation by the document preparation service that involves a transaction with the Department of Motor Vehicles to file the complaint with the Department. If the Department determines that the alleged violation or violations more likely than not occurred, the Department must forward the complaint to the Secretary of State for further action under existing laws. **Section 1.5** also provides that, if the registration of a document preparation service is suspended or revoked, the Department must not allow the document preparation service to conduct transactions with the Department on



behalf of clients. If some penalty other than suspension or revocation of registration is imposed on a document preparation service, the Department may suspend, for a reasonable time, the privilege of the document preparation service to: (1) conduct transactions with the Department on behalf of clients; or (2) use a service window or location dedicated to document preparation services at any office of the Department where such a window or location is provided. **Sections 1.7 and 1.9** of this bill make conforming changes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *At each office of the Department in which voting materials are required pursuant to NRS 293.2699 to be provided in the language or languages of a minority group, the Department shall make every effort to ensure that not less than one employee who is fluent in each such language is available to provide services in the office in the language or languages of the minority group. Such efforts must include, without limitation, including fluency in any such language as a consideration when hiring employees for or transferring employees to an office that lacks such an employee.*

Sec. 1.5. *1. At each office of the Department where the Department determines that document preparation services conduct a sufficient number of transactions on behalf of clients to warrant it, the Department may maintain public service windows or locations dedicated to serving document preparation services conducting transactions on behalf of clients, except that the Department must maintain:*

(a) In a county where motor vehicle owners are required to participate in a program for the control of emissions pursuant to NRS 445B.795 and where four or more offices of the Department are located, not less than two such public service windows or locations at each office in the county;

(b) Except as otherwise provided in paragraph (a), in a county where motor vehicle owners are required to participate in a program for the control of emissions pursuant to NRS 445B.795, not less than one such public service window or location in each office in the county; and

(c) At the main office of the Department, not less than one such public service window or location.



↳ *Such public service windows or locations may be used to provide services to the general public during times when no document preparation service is in the office seeking to conduct transactions on behalf of clients.*

2. *A person who is a client of a document preparation service may file with the Department a complaint alleging a violation of chapter 240A of NRS by the document preparation service in lieu of notifying the Secretary of State pursuant to chapter 240A of NRS if at least one allegation in the complaint involves a transaction with the Department by the document preparation service on behalf of the client.*

3. *Upon receipt of a complaint filed pursuant to subsection 2 and evidence satisfactory to the Department that a violation of chapter 240A of NRS is more likely than not to have occurred, the Department shall forward the complaint to the Secretary of State or his or her designee for investigation pursuant to NRS 240A.260. Such evidence may include, without limitation, a written receipt for payment to the document preparation service by the client, as required pursuant to NRS 240A.230, for the transaction or transactions that are the subject of the complaint.*

4. *Upon receipt by the Department of a notice from the Secretary of State pursuant to NRS 240A.270 or from the Attorney General or a district attorney pursuant to NRS 240A.280 that a violation of the provisions of chapter 240A of NRS has been committed by a document preparation service concerning a transaction with the Department that resulted in:*

(a) A suspension or revocation of or the refusal to renew the registration of the document preparation service, the Department shall not allow the document preparation service to conduct transactions with the Department on behalf of a client.

(b) The imposition of any civil remedy authorized by chapter 240A of NRS other than the suspension or revocation of the registration of the document preparation service, the Department may suspend, for an amount of time determined to be reasonable by the Department, the privilege of the document preparation service to:

(1) Conduct transactions with the Department on behalf of clients; or

(2) Use a service window or location dedicated to document preparation services at any office of the Department where such a window or location is provided.



Sec. 1.7. NRS 240A.270 is hereby amended to read as follows:

240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

- (a) The entry of a judgment or conviction; or
- (b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of NRS 240A.100.

3. Upon the suspension or revocation of or refusal to renew the registration of a document preparation service pursuant to this section, the Secretary of State shall notify the Department of Motor Vehicles of the name of the document preparation service for the purposes of section 1.5 of this act.

Sec. 1.9. NRS 240A.280 is hereby amended to read as follows:

240A.280 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than \$100 or more than \$5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.



4. Upon the imposition of any remedy pursuant to this section against a document preparation service, the Attorney General or district attorney shall notify the Department of Motor Vehicles of the name of the document preparation service and the remedy imposed for the purposes of section 1.5 of this act.

Secs. 2-77. (Deleted by amendment.)

Sec. 78. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On October 1, 2019, for all other purposes.

